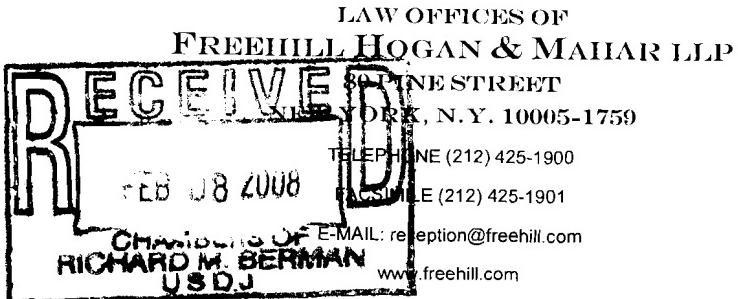


GEORGE B. FREEHILL  
 WILLIAM L. JUSKA, JR.  
 JAMES L. ROSS\*  
 ERIC E. LENCK  
 JOHN J. WALSH\*  
 PATRICK J. BONNER\*  
 PETER J. GUTOVSKI  
 MARK F. MULLER  
 WAYNE D. MEEHAN\*  
 DON P. MURNANE, JR.△  
 THOMAS M. RUSSO  
 THOMAS M. CANEVARI\*  
 MICHAEL FERNANDEZ\*  
 JOHN F. KARPOUSIS\*△  
 MICHAEL E. UNGER\*  
 WILLIAM J. PALLAS\*  
 GINA M. VENEZIA △  
 LAWRENCE J. KAHN\*  
 BARBARA G. CARNEVALE\*  
 MANUEL A. MOLINA  
 JUSTIN T. NASTRO\*  
 PAMELA L. SCHULTZ\*△  
 DANIEL J. FITZGERALD\*△  
 MICHAEL C. ELLIOTT\*  
 JAN P. GISHOLT<sup>†</sup>

\* ALSO ADMITTED IN NEW JERSEY  
 △ ALSO ADMITTED IN CONNECTICUT  
 ▽ ALSO ADMITTED IN WASHINGTON, D.C.  
 † ALSO ADMITTED IN LOUISIANA



NEW JERSEY OFFICE  
 549 SUMMIT AVENUE  
 JERSEY CITY, N.J. 07306-2701  
 TELEPHONE (973) 623-5514  
 FACSIMILE (973) 623-3813

CONNECTICUT OFFICE  
 23 OLD KINGS HIGHWAY SOUTH  
 DARIEN, CT 06820-4538  
 TELEPHONE (203) 921-1913  
 FACSIMILE (203) 358-8377

MEMO ENDORSED  
 p.2

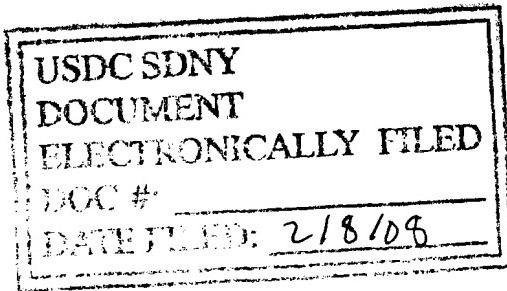
February 8, 2008

Our Ref: 22-08/PJG

**BY HAND**

Honorable Richard M. Berman  
 United States District Judge  
 Daniel Patrick Moynihan  
 United States Courthouse  
 500 Pearl Street, Room 650  
 New York, NY 10007

Re: Industrial Carriers Inc. v.  
 Dayton Commercial Limited et al.  
 07 CV 7937 (RMB)



Dear Judge Berman,

We represent the Movant Top Union (China) Ltd. and write with respect to the pending motion to vacate the attachment against its funds. Today, we received the Plaintiff's opposition papers, and under the original schedule, our reply was due tomorrow. Owing to the fact that it is Chinese New Year and China is essentially closed, we requested an extension from Plaintiff's counsel of the time within which we would respond and they graciously consented to an adjournment of that date until next Friday, February 15. Provided the Court has no objection, therefore, we will file and serve our reply papers on that date.

I believe that both parties would also like to address the Court on the motion so perhaps we could speak to chambers either next week or early during the week of February 18 to see when there might be a convenient time when we could address the Court on the application.

February 8, 2008

Page 2

In view of this adjournment, we also note that the Court had originally scheduled a conference for February 11 at 9:00 a.m. which we assume should be adjourned and simply wanted to call that to the Court's attention to ensure that that conference was cancelled.

We thank the Court for its attention to the foregoing.

Respectfully submitted,  
FREEHILL HOGAN & MAHAR LLP

  
Peter J. Gutowski

PJG:mjg  
Encl.

cc: Via Email  
Tisdale Law Offices  
*Attorneys for Plaintiff*  
11 West 42<sup>nd</sup> Street, Suite 900  
New York, NY 10036  
Attn: Thomas Tisdale, Esq. ([ttisdale@tisdale-law.com](mailto:ttisdale@tisdale-law.com))  
Lauren Davies, Esq. ([ldavies@tisdale-law.com](mailto:ldavies@tisdale-law.com))

<p><u>EXTENSION GRANTED ON CONSENT.</u> <u>THE CONFERENCE ON 2/11/08 IS ADJOURNED</u> <u>TO 2/21/08 AT 2:00 P.M.</u></p> <hr/> <hr/> <hr/>	
<p>SO ORDERED: Date: <u>2/8/08</u></p>	<p> Richard M. Berman, U.S.D.J.</p>